

REMARKS

This is intended as a full and complete response to the Office Action dated March 6, 2009, having a shortened statutory period for response set to expire on June 6, 2009. Please reconsider the claims pending in the application for reasons discussed below.

Claims 11, 20, 27, and 37 remain pending in the application and are shown above. Claims 11, 20, 27, and 37 are rejected by the Examiner. Claims 11 and 27 have been amended to comply with the Examiner's request. New claims 38-61 have been added.

Claim Rejections Under 35 U.S.C. § 112

Claims 11, 20, 27, and 37 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Although applicants believe that claims 11 and 27 were not indefinite and were sufficiently clear for a person of ordinary skill in the art as originally presented, Applicants have amended claims 11 and 27 to comply with the Examiner's request and to expedite prosecution.

Claim Rejections Under 35 U.S.C. § 103

Claims 11, 20, 27, and 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Yeh* (U.S. 6,853,043 B2, hereinafter referred to as "Yeh") in view of *Callegari, et al.* (U.S. 6,395,650 B1, hereinafter referred to as "Callegari").

Yeh, et al. qualifies as prior art at least under 35 U.S.C. 102(e). Thus the 35 U.S.C. 103(a) rejection may be overcome by showing that *Yeh, et al.* is disqualified under 35 U.S.C. 103(c)

35 U.S.C. 103(c)(1) recites:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Applicants assert that *Yeh, et al.* (US Pat. No. 6,853,043, filed November 2, 2002 and published May 6, 2004) qualifies as prior art to this application (which was filed March 12, 2004) only under one or more of subsections (e), (f), and (g) of 35 U.S.C. §102. Applicants additionally assert that the subject matter of this application, and in particular the invention of claims 11, 20, 27, and 37-61, were owned or subject to an obligation of assignment to Applied Materials, Inc. at the time the claimed inventions were made, as evidenced by the recordation of assignment at the U.S. Patent and Trademark Office on microfilm located at reel 014703 and frame 0835 on June 7, 2004. At the time of the invention of claims 11, 20, 27, and 37-61, *Yeh, et al.* was assigned to and owned by the same corporation, as evidenced by the recordation of assignment at the U.S. Patent and Trademark Office on microfilm located at reel 013486 and frame 0675. Therefore, the subject matter described in *Yeh, et al.* and the invention of claims 11, 20, 27, and 37-61 were, at the time the invention of claims 11, 20, 27, and 37-61 was made, "owned by the same person or subject to an obligation of assignment to the same person," as recited in 35 U.S.C. §103(c).

Applicants respectfully assert that under 35 U.S.C. §103(c), the subject matter of *Yeh, et al.* cannot preclude patentability of the inventions of claims 11, 20, 27, and 37-61 under 35 U.S.C. § 103(a) and requests withdrawal of the rejections to claims 11, 20, 27, and 37-61. Please enter the Statement of Common Ownership sent with this response.

Conclusion

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed.

Having addressed all issues set out in the office action, Applicant's respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

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Respectfully submitted,

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